

of us to see, if we take the time to look at it.

Well, besides dealing with one industry, the AgJOBS bill also has some very troublesome provisions which I think undermine its claimed status as a temporary worker provision. Indeed, an estimated 860,000 illegal alien agricultural workers could qualify, and it also permits them to bring their spouses and children, which could bring the total number of AgJOBS beneficiaries to as many as 3 million people.

Now, the interesting thing about that is it does not stop at the people who are already here who came into the country in violation of our laws. Another startling provision of this bill actually invites back to the United States certain aliens who were here illegally and who performed the requisite 100 hours of agricultural work between July 2003 and December 2004 but who have already left. These aliens would be allowed, under this AgJOBS bill, to drop off a "preliminary application" at a designated port of entry along the southern land border, pick up a work permit, and reenter the United States.

So not only are we dealing with people who are here now but people who were here illegally and who have left. We are now saying: Come on back and pick up a work permit and reenter this pathway toward full American citizenship ahead of all of the other people who are playing by the rules and waiting in line. That is wrong.

Another provision of this bill which I have some concerns about is entitled "Eligibility for Legal Services," which requires free, federally funded legal counsel be afforded—that is, paid for—by American taxpayer dollars through the Legal Services Corporation to assist temporary workers in the application process for legal permanent residency.

Not only does this bill deal with a specific industry and ignore the rest of the industries that have come to rely, in significant part, on undocumented workers, this invites into our country the spouses and children of these workers—a total of some 3 million people potentially. And these workers, of course, will not be here temporarily if they are essentially setting up home in the United States.

There is a difference between an approach that says we will set up a framework for people to come and work but then return to their country, which is truly a temporary worker program, and one such as this which says, don't just work and return, but work and stay and break in ahead of the line of all the other people who have applied to come to this country legally, even though you have chosen to do so otherwise. Beyond that, we are going to provide you with a free lawyer.

I think it is not a stretch to say the AgJOBS bill will invite even more lawsuits since it expands the ability of the Legal Services Corporation to sue growers in several areas.

The reasons the current provisions of the law which deal with agricultural workers have been unsuccessful are, No. 1, because the caps are set too low and, No. 2, because it has become so bureaucratic and burdened by regulation that it basically is not a viable alternative for the agricultural industry, and growers have come to expect excessive litigation as a result, which this AgJOBS bill would do nothing to fix but would aggravate.

Let me speak briefly about the bill Senators KYL and CHAMBLISS have offered today. It does compare favorably with some of the provisions in the AgJOBS bill because it does not provide for amnesty. It does not provide a path to U.S. citizenship automatically ahead of all of the other people who have played by the rules and who have applied in the regular course of our laws. It has many of the same failings I mentioned earlier about being a partial solution to a real and comprehensive problem.

I hope my colleagues will recall the vote they cast just last week, when 61 of us voted on a sense of the Senate to say that this appropriations bill, providing emergency funds for the warfighters, the people risking their very lives to defend us in the global war on terrorism, ought to take the front seat and that we ought to reserve comprehensive immigration reform to a later date and not slow this bill down because of that.

Having not resisted the temptation to get embroiled in an immigration debate, I hope our colleagues will listen carefully to the half solutions and the special interest legislation this represents. I don't begrudge employers who need workers from trying to find a legal solution to that. I am for doing that but on a comprehensive basis, not just an industry-specific basis and particularly not on a basis that provides additional benefits to these workers in the form of amnesty that they would not otherwise be entitled to and denies other people equal opportunity to participate in a temporary worker program.

As complicated as this issue is and as important as the debate is, now is not the time to be engaging in it. Certainly now is not the time to pass a partial solution which will undermine our ability to get comprehensive immigration reform done.

It is my distinct impression that there is a big difference between the thinking on the part of the advocates of the AgJOBS bill in this Chamber and our colleagues on the other side of the Capitol. Realistically, as part of this emergency appropriations bill, to get the warfighters what they need in order to do the job we have asked them to do and which they volunteered to do, I cannot see the other Chamber agreeing to this ill-considered and premature immigration legislation at this time.

I urge my colleagues to vote against both the AgJOBS bill, to vote against

the alternative offered by the Senators from Georgia and Arizona, but at the same time to say, you are more than welcome, as we work together for comprehensive reform, to work with us. We will try to meet you halfway in working out a consensus on this very tough and complex but important issue that should not be handled in the way they have proposed to handle it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 429

Mr. ISAKSON. I ask unanimous consent to temporarily set aside the amendment, and I ask that we call up amendment No. 429.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 429.

Mr. ISAKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of April 14, 2005 under "Text of Amendments.")

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 5:30 today the Senate proceed to a vote in relation to the Byrd amendment No. 464, with no second-degree amendments in order to the amendment prior to the vote. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, given the pending time prior to the vote we will have in a few minutes, I ask unanimous consent to address the Senate as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ISAKSON are printed in today's RECORD under "Morning Business.")

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 464

The PRESIDING OFFICER. The question is on agreeing to amendment No. 464 offered by the Senator from West Virginia, Mr. BYRD.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment.